MR. SPEAKER :—" The question is—

'That the Madras Medium Cotton Mill Cloth (Sales Tax) Bill, 1954, be passed into law.' "

The motion was put and carried and the Bill was passed into law.

MR. SPEAKER :—" We are now in the next item, viz., The Hindu Non-Conforming Marriages Bill, 1954."

IV.—GOVERNMENT MOTIONS.

(1) MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES *re* CHANGE IN THE ORDER OF BUSINESS IN THE AGENDA.

THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, Sir, I move—

'*That under rule* 22 (3) *of the Madras Assembly rules, item III on the agenda of* 10*th May* 1954 *which has been left over, viz., Amendment to the Schedule to the Madras Motor Vehicles (Taxation of Passengers and Goods) Act,* 1952 (*Madras Act XVI of* 1952) *may be taken up before item IV on the agenda of* 10*th May* 1954 *which has been left over viz., The Hindu Non-Conforming Marriages* (*Registration*) *Bill,* 1954 (*L.C. Bill No.* 5 *of* 1954) *consideration clause by clause.*'

" It has become necessary for me to move this motion because the two hon. Members, viz., Sri S. Deivasigamany and Sri S. Swayamprakasam, who are supposed to represent the views of that section of the community who have contracted this form of marriage, have requested me for a postponement of the consideration of this Bill. Even though it is an important Bill and we want to finish clause by clause consideration of that Bill as soon as possible, I think we have to yield to the request of the two Members. So I request that the next item, viz., Amendment to the schedule to the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952 (Madras Act XVI of 1952) may be taken up now."

The motion was put and carried.

(2) AMENDMENT TO THE SCHEDULE TO THE MADRAS MOTOR VEHICLES (TAXATION OF PASSENGERS AND GOODS) ACT, 1952 (MADRAS ACT XVI OF 1952).

THE HON. SRI B. PARAMESWARAN :—" Sir, I move—

'*That the following draft of a rule proposed to be made by the Government of Madras under Section* 4 (2) *of the Madras Motor Vehicles* (*Taxation of Passengers and Goods*) *Act,* 1952 (*Madras Act XVI of* 1952) *amending the Schedule to the said Act, be approved :*

12th May 1954] [Sri B. Parameswaran]

DRAFT RULE.

' In the said Schedule, for sub-rule (3) *of rule* 1, *the following sub-rule be substituted, namely :—*

" (3) *For the quarters ending with the* 31*st December* 1953, *the* 31*st March* 1954 *and* 30*th June* 1954, *the amount of the composition fee calculated with reference to clause* (a) *or clause* (b) *of sub-rule* (1) *in respect of stage carriages and public carrier vehicles, which until the* 30*th September* 1953, *were plying on routes which have become inter-State routes as a result of the formation of the Andhra State with effect from the* 1st *October* 1953, *shall be payable at the same rates at which and at the same places where it was being paid for the quarter ending with* 30*th September* 1953." ' "

MR. SPEAKER :—" The Motion moved—

' That the following draft of a rule proposed to be made by the Government of Madras under section 4 (2) of the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952 (Madras Act XVI of 1952) amending the Schedule to the said Act, be approved :—

DRAFT RULE.

' In the said Schedule, for sub-rule (3) of rule 1, the following sub-rule be substituted, namely :—

" (3) For the quarters ending with the 31st December 1953, the 31st March 1954 and 30th June 1954, the amount of the composition fee calculated with reference to clause (*a*) or clause (*b*) of sub-rule (1) in respect of stage carriages and public carrier vehicles, which until the 30th September 1953, were plying on routes which have become inter-State routes as a result of the formation of the Andhra State with effect from the 1st October 1953, shall be payable at the same rates at which and at the same places where it was being paid for the quarter ending with 30th September 1953." ' "

* SRI M. NARAYANA KURUP :—" Mr. Speaker, Sir, I take this opportunity to bring to the notice of the Hon. Minister the following few points. When the Madras Motor Vehicles (Taxation of Passengers and Goods) Bill was passed in this House we were given definitely to understand that the maximum fare of 7 pies will not be increased on any occasion. But now in Malabar, almost every bus operator has increased the rate from seven to seven and a half pies. I do not know under what authority the bus operators have done so. I request the Government to look into the matter and do the needful. 10-50 p.m.

" Another point which I want to bring to the notice of the Minister is about the minimum charge. Only in very few urban areas, we have got the town service which charges a minimum fare of one anna. In other places, it is three annas. But in Malabar, the minimum charge on almost all the routes is five annas. There

has been a constant agitation from passengers that this minimum is too high. I request the Minister to look into the matter and see whether the minimum charge cannot be reduced and fixed at, say, three annas.''

* SRI. S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, இப்பொழுது விவாதத்திலிருக்கக் கூடிய தீர்மானத்திற்கு நேரிடையாக சம்பந்தமில்லாவிட்டாலும், இந்த சந்தர்ப்பத்தில் ஒரு சில வார்த்தைகளை கனம் மந்திரி அவர்கள் கவனத்துக்குக் கொண்டுவர விரும்புகிறேன். பஸ் முதலாளிகள் இந்த Composition fees ஐ சட்டப் பிரகாரம் மாத ஆரம்பத்திலேயே செலுத்தவேண்டும். ஆனால் சில சந்தர்ப்பங்களில் பஸ்கள் ஓடமுடியாத நிலையிலிருக்கின்றன. சர்க்காரின் உத்திரவினாலேயோ அல்லது Traffic Board களின் உத்திரவினாலேயோ சில பஸ்கள் நிறுத்தப்பட்டு விடுகின்றன. இந்த மாதிரி ஓடாத காலங்களில், ஏற்கனவே பஸ் முதலாளிகள் கட்டிய வரியைத் திருப்பிப் பெறுவதற்கு வழிவகை எதுவும் இந்தச் சட்டத்தில் இல்லை. இதற்கு வழி ஏற்படும் வகையில் சட்டத்தைத் திருத்துவதற்கு நடவடிக்கை எடுக்கவேண்டுமென்று சர்க்காரைக் கேட்டுக் கொள்கிறேன்.''

* DR. K. B. MENON :—" Sir, I wish to support what the hon. Member Sri M. Narayana Kurup said. I was a member of the Select Committee appointed to consider the Madras Motor Vehicles (Taxation of Passengers and Goods) Bill, 1952, and I remember that, when Sri T. Viswanatham raised the issue about the maximum rate of seven pies per mile, the Government gave a definite assurance that under no circumstance would they permit the bus-owners to raise the fare to more than seven pies. I know that this increase from seven to seven and a half pies was the result of a judicial decision. As the Government had given repeated assurances and as the increase affected the poor people, it was the duty of the Government to have taken immediate action to rectify the situation created by the judicial decision. There was considerable neglect of duty on the part of the Government and it was not fair on their part to have allowed the bus-owners to raise the fare.

" The question of the minimum charge of five annas was brought before the Select Committee and the Government gave an assurance that they would consider whether it could not be reduced to three annas, a rate prevalent in some other States. No action has been taken so far on this subject. There is a Transport Advisory Committee. This Transport Advisory Committee met only once since its appointment and I do not know of what use it could be when it meets only once in a year. It is more an ornament; it is not allowed to function and its advice is not taken. I say that it should meet more often and its advice should be taken, because the way in which the transport service is run is very unsatisfactory. I urge the Government to reduce the minimum charge from five annas and bring it on a par with the rate prevalent in some other States.''

* SRI T C. NARAYANAN NAMBIAR :—" Sir, I agree with all that Dr. K. B. Menon said. Though the Government had given an assurance on the floor of this House as well as in the Select

Committee that the maximum bus fare per mile would not be allowed to exceed seven pies, the increase by half a pie has been effected under the authority of a Government Order. The increase has caused great hardship to the passengers. I do not know why the Government have not kept up their assurance. I understand that there is a High Court decision declaring *ultra vires* the provision in the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952, fixing the maximum rate at seven pies per mile. But executive instructions could have been issued to the Transport authorities concerned to see that the rate is not enhanced beyond seven pies. No such action has been taken by the Government. I feel very strongly that the Government are not at all taking into consideration the capacity of the passengers to bear the burden. I hope the Government will look into the matter."

THE HON. SRI B. PARAMESWARAN :—" Sir, the Government will examine the suggestions made by the hon. Members. With regard to the suggestion made by Dr. K. B. Menon, I shall see that hereafter the Advisory Committee meets more often. But nothing prevents the members of the Committee from sending their suggestions to the Government."

THE HON. SRI C. SUBRAMANIAM :—" With regard to the increase in the rate of bus fare per mile, to which reference was made by Sri M. Narayana Kurup, Dr. K. B. Menon and Sri T. C. Narayanan Nambiar, hon. Members may be aware that we made a provision in the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952, to the effect that the fare charged by an operator inclusive of the tax should not exceed the maximum of seven pies per mile. The matter was taken to the High Court, and the High Court held that that provision was *ultra vires*. So that provision is not operative now. The Government cannot prevent the operators from increasing the fares to the extent of the tax by executive instructions or orders. That is how the bus operators have increased the fare to seven and a half pies. Hon. Members have been attaching very great importance to the decisions of the High Court on some other matters and I hope they will attach the same importance to this decision also."

* SRI T. C. NARAYANAN NAMBIAR :—" I rise on a point of order, Sir. When the High Court has declared *ultra vires* the assessments of turnover by including in it the sales tax collected by dealers and the levy of tax on the basis of that turnover under the Madras General Sales Tax Act, the Government came forward with an Amending Bill to legalize what has been declared to be illegal. Increase of bus fare affects the poor travelling public and the Government could have come forward with an Amending Bill, if necessary, to prevent the increase. But they have not done that."

THE HON. SRI C. SUBRAMANIAM :—" That matter was considered. Unfortunately it was found that it was not possible to amend the Act to get over the High Court's decision."

(Dr. K. B. Menon and Sri M. Narayana Kurup rose to speak.)

MR. SPEAKER :—" I cannot understand a debate after the Minister's reply."

* DR. K. B. MENON :—" I am sure the Government do not accept the principle of determining bus fare on the basis of what the traffic can bear. There must be a way out of the difficulty. When there is a judicial decision, it is the duty of the Government to find a solution to rectify the situation created by that decision."

* SRI M. NARAYANA KURUP :—" The section of the Act referred to allowed certain operators to increase the fare, while it did not allow the other operators to increase. The High Court held that section *ultra vires* because there was this discrimination. If the Government amend the Act so as to fix the maximum rate of seven pies in all cases, I think the Act will be quite in order and it will not be set aside."

THE HON. SRI C. SUBRAMANIAM :—" I wish the hon. Member had read the judgment before he made this statement."

* SRI S. RAMALINGAM:—"இந்த வரியை நாம் போடும்போது, 7 பைசாவுக்கு மேல் பிரயாண கட்டணம் விதிக்கக் கூடாது என்று சபை அங்கத்தினர்கள் ஏகோபித்து ஒத்துக்கொண்டார்கள் (Interruption). பஸ் operator களைப்பற்றி நான் கவலைப்படவில்லை. ஓரிரண்டு அங்கத்தினர்களைத்தவிர, சபையிலிருக்கும் பெரும்பாலான அங்கத்தினர்கள் இதை ஒப்புக் கொண்டிருக்கிறார்கள். பெரும்பாலான அங்கத்தினர்களின் கருத்தை அங்கீகரிக்க முடியவில்லையென்றால், சட்டத்தைத் திருத்த வேண்டும், அல்லது இந்த வரி வசூலிப்பதை அடியோடு நிறுத்தவேண்டும். இந்த இரண்டில் ஒன்றைச் செய்ய வேண்டுமென்று சர்க்காரைக் கேட்டுக் கொள்கிறேன்."

11 a m. SRI P. K. GOPALAKRISHNAN :—The Government have not expressed any opinion regarding reducing the minimum charge from 6 annas to 5 annas."

THE HON. SRI B. PARAMESWARAN :—" That question does not arise at all now."

MR. SPEAKER :—" I shall now put the motion to the vote of the House. The question is—

' That the following draft of a rule proposed to be made by the Government of Madras under section 4 (2) of the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952 (Madras Act XVI of 1952) amending the Schedule to the said Act, be approved :

DRAFT RULE.

' In the said Schedule, for sub-rule (3) of rule 1, the following sub-rule be substituted, namely :—

" (3) For the quarters ending with the 31st December 1953, the 31st March 1954 and 30th June 1954, the amount of the composition fee calculated with reference to clause (*a*) or clause (*b*) of sub-rule (1) in respect of stage carriages and public carrier vehicles, which until the 30th September 1953, were plying on routes which have become inter-State routes as a result of the formation of the Andhra State with effect from the 1st October 1953, shall be payable at the same rates at which and at the same places where it was being paid for the quarter-ending with 30th September 1953." ' "

The motion was put and carried.

(1) MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES *re* CHANGE IN THE ORDER OF BUSINESS—*cont.*

THE HON. SRI C. SUBRAMANIAM :—" Sir, in pursuance of the request made by the hon. Member Sri Swayamprakasam, the Leader of the Dravidian Parliamentary Party, and also his associate Sri Deivasigamany, I move—

' *That under rule 22 (3) of the Madras Assembly Rules, item No. IV (2) on the agenda, namely, the Courtallam Township Bill,* 1954 (*L.C. No.* 8 *of* 1954), *be taken up before item No. IV* (1), *namely, the Hindu Non-conforming Marriages* (*Registration*) *Bill,* 1954.' "

MR. SPEAKER :—" The question is—

' That under rule 22 (3) of the Madras Assembly Rules, item No. IV (2) on the agenda, namely, the Courtallam Township Bill, 1954 (L.C. Bill No. 8 of 1954), be taken up before item No. IV (1), namely, the Hindu Non-conforming Marriages (Registration) Bill, 1954.' "

The motion was put and carried.

III.—GOVERNMENT BILL.

(3) THE COURTALLAM TOWNSHIP BILL, 1954 (L.C. BILL NO. 8 OF 1954).

[a] THE HON. SRI S. S. RAMASWAMI PADAYACHI :—" Mr. Speaker, Sir, I beg leave to move—

' *That the Courtallam Township Bill,* 1954 (*L.C. Bill No.* 8 *of* 1954), *as passed by the Legislative Council, be taken into consideration at once.*'

[a] Printed as Appendix IV on pages 655-657 infra.